

Message Text

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ACTION EUR-25

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TO SECSTATE WASHDC 7821

USMISSION BERLIN

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

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USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 14436

E.O. 11652: GDS

TAGS: PGOV, WB, GE, GW

SUBJECT: SENAT/GDR NEGOTIATIONS ON WATER CONSERVATION
AND GENERAL BK/L ON SENAT/GDR CONTACTS

REF: (A) BONN 14116; (B) BERLIN 1246; (C) STATE 180711;
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SUMMARY: AT TRIPARTITE MEETING OCTOBER 2 ALLIES RE-
VIEWED IN DEPTH VARIOUS ASPECTS GENERAL BK/L ON SENAT/
GDR CONTACTS AND AGREED THAT NEXT STEP WAS DISCUSSION OF
DOCTRINE BUT NOT OF POSSIBLE TEXT IN FULL BONN GROUP, TO
BE FOLLOWED BY PASSING TO BERLIN FOR DRAFTING AND
NEGOTIATING BY ALLIED MISSIONS THERE. FRG REP INFORMED
EMBASSY BILATERALLY THAT BONN HAD DECIDED IT FAVORS
SENAT NEGOTIATING WATER CONSERVATION MATTERS AS SET OUT
IN DRAFT REPLY TO GDR (REFTEL B), AND STRONGLY PREFERS
THAT THESE TALKS BE HELD UNDER QA UMBRELLA. END SUMMARY.

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1. AT TRIPARTITE MEETING OCTOBER 2, ALLIED REPS WENT

OVER ARGUMENTS AND POSITIONS REGARDING A GENERAL BK/L ON SENAT/GDR CONTACTS. UK REP (CROMARTIE) SAID BRITISH DID NOT FEEL STRONGLY ABOUT BK/L BUT WOULD GO ALONG IF OTHERS (INCLUDING FRG AND SENAT) DESIRED TO HAVE ONE. HE STRESSED, HOWEVER, THAT A DOCUMENT MUST BE AVOIDED WHICH COULD BE EXPLOITED BY GDR TO PRESSURE SENAT INTO NEGOTIATIONS WHICH WOULD BUILD UP IDEA OF THE SENAT AS A SEPARATE ENTITY. CROMARTIE SAID A BETTER WAY OF REACHING AGREEMENTS WITH GDR ON PRACTICAL IMPROVEMENTS FOR WSB WAS TO HAVE FRG/GDR AGREEMENTS UNDER GENERAL RELATIONS TREATY (GRT) EXTENDED TO WSB, BUT THAT THERE WERE MANY INSTANCES OF PURELY LOCAL NATURE WHERE THIS WAS CLEARLY INAPPROPRIATE. IN THESE CASES, CROMARTIE CONTINUED, THE ALLIES MUST NOT GIVE AWAY LEGAL POSITION THEY SO CAREFULLY MAINTAINED DURING QA NEGOTIATIONS THAT THESE TALKS WOULD BE HELD UNDER QUADRIPARTITE UMBRELLA WITH GDR ACTING AS AGENT OF USSR.

2. UK BERLIN LEGAL ADVISOR (EDWARDS) THEN POINTED TO WHAT HE SAW AS POSSIBLE DANGERS IN BK/L ON SENAT/GDR CONTACTS. HE INDICATED THAT BK/L, WHICH WOULD SURELY BE MADE KNOWN TO GDR, WOULD EMPHASIZE DIFFERENCE BETWEEN BASIS ON WHICH SENAT NEGOTIATING--OPERATING UNDER CONSTRAINTS IMPOSED BY THREE ALLIES--AND THAT OF EAST BERLIN, WHICH WOULD BE OPERATING UNDER NO RESTRICTIONS. EDWARDS SAID THAT ANY BK/L WOULD HAVE TO BE DRAFTED VERY CAREFULLY TO AVOID ENCOURAGING SENAT INTO BELIEF IT COULD ENGAGE IN TOO MANY TALKS WITH RESULT THAT FRG WOULD BE KEPT OUT OF PICTURE. FRG/GDR AGREEMENTS TAKEN OVER IN BERLIN, HE SAID, ARE PROBABLY THE BEST SITUATION ONE COULD HAVE. ON THE BASIC POINT OF HAVING BK/L, EDWARDS SAID HE BELIEVED THERE WAS NO MERIT IN ARGUMENT THAT ALLIES WOULD THEREBY GAIN BETTER CONTROL. IN ANY EVENT, HE SAID, ALLIES MUST HAVE VIEWS OF FRG BEFORE WE CAN PROCEED.

3. FRENCH REP (BELLESCIZE) SAID HE AGREED THAT IT WAS NORMALLY PREFERABLE THAT SUCH NEGOTIATIONS BE HANDLED ON FRG/GDR BASIS UNDER GRT UMBRELLA BUT THAT ALLIES MUST AVOID SITUATION WHERE FRG WOULD BE, OR EVEN APPEAR TO BE, CONFIDENTIAL

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GIVING MANDATE TO SENAT FOR TALKS WITH GDR (SEE USBER COMMENT ON SENAT DRAFT REPLY IN REFTEL B). THE FRENCH WERE PARTICULARLY CONCERNED ABOUT THIS, BELLESCIZE SAID, SINCE AT ONE POINT BAHR HAD TOLD AMBASSADOR SAUVAGNARGUES THAT SENAT/GDR CONTACTS WERE COVERED BY GRT AND THAT SENAT COULD NEGOTIATE UNDER GRT OR IN VAGUE WAY UNDER QA. CONSEQUENTLY, FRENCH PREFER GENERAL BK/L SINCE IT WOULD DEFINE SITUATION AND WOULD IMPROVE CON-

TROL, BOTH OF SENAT AND OF FRG. FURTHER, HE CONTINUED, IDEA THAT ALL SENAT/GDR CONTACTS NEED ALLIED OK SHOULD NOT BE SEEN AS SOMETHING NEW, BUT AS CODIFICATION OF ONGOING RULES. BELLESCIZE THEN SAID IT SHOULD BE CLEAR THAT IF REFERENCE TO QA IS MADE IN BK/L THE QA SHOULD BE MENTIONED NOT ONLY IN WESTERN PAPERS FLOWING OUT OF CONTACTS BUT IN GDR DOCUMENTS AS WELL. FRENCH REP SAID A REFERENCE TO QA WAS NOT NEEDED BUT COULD BE USED AS A

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TACTICAL TOOL. FOR EXAMPLE, HE CONTINUED, IF ALLIES DESIRED TO KILL SENAT/GDR NEGOTIATIONS OR AGREEMENT WE COULD INSIST ON REFERENCE TO QA. A TEST OF WHETHER OR NOT GDR WOULD ACCEPT QA REFERENCE COULD BE MADE, BELLESCIZE SAID, ON WATER RESCUE TALKS. HE SUGGESTED ALLIES INFORM SENAT THAT WE WILL OK NO SUCH AGREEMENT UNLESS REFERENCE TO QA, IN DOCUMENTS OF BOTH SIDES, IS

MADE.

4. US REP SAID WE SAW USEFULNESS IN HAVING GENERAL BK/L BUT SAW DIFFICULTIES OF INCLUDING REFERENCE TO QA. HE WONDERED IF UK CONCERN ABOUT PRESERVATION OF LEGAL POSITION WAS REALLY A PROBLEM SINCE THERE COULD BE NO DOUBT ABOUT ALLIED POSITION, AND SAID OTHER CONSIDERATIONS WOULD SEEM TO WEIGH HEAVIER. AS A PRACTICAL MATTER, HE NOTED, US SAW VERY LITTLE CHANCE THAT OTHER SIDE WOULD AGREE TO DEALING WITH SENAT UNDER SPECIFIC QA UMBRELLA, CONFIDENTIAL

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AND POINTED TO MITDANK'S STATEMENT ON JULY 20 TO SENAT REP (REFTEL D). FURTHER, REF TO QA COULD ENCOURAGE SENAT TO MOVE AHEAD IN CONTACTS WITH GDR WITH INSUFFICIENT CONSULTATION WITH ALLIES, AND THEN THERE WAS ALWAYS THE QUESTION OF HOW FAR COULD THE QA BE STRETCHED TO COVER SUCH CONTACTS. US REP THEN SAID HE DISAGREED WITH UK STATEMENT THAT BK/L WOULD NOT IMPROVE ALLIED CONTROL, ARGUING ALONG LINES THAT VERY FACT OF EXISTENCE WOULD MEAN GERMANS WOULD HAVE TO DEAL WITH IT. US REP ALSO SAID THAT GDR ATTEMPTS AT "EXPLOITATION" OF BK/L TO PRESSURE SENAT WOULD PROBABLY OCCUR, BUT THAT THEY SHOULD BE MANAGEABLE.

5. UK REP THEN SAID THAT, REGARDING PRESERVATION OF LEGAL POSITION, THE ESSENTIAL POINT WAS TO PUT ON RECORD THAT GDR WAS NEGOTIATING WITH SENAT UNDER QA AND THEREFORE NOT AS SOVEREIGN STATE. THUS, THE "GREY AREA" PROBLEM WOULD BE VIRTUALLY ELIMINATED. ON OTHER HAND, CROMARTIE CONTINUED, A GENERAL BK/L MUST AVOID LEADING SENAT TO NEGOTIATE SOMETHING WHICH COULD NOT BE PULLED UNDER THE "COMMUNICATIONS" PROVISION, WHICH SHOULD BE HANDLED IN EITHER OF TWO WAYS: (A) BY FRG UNDER GRT, OR (B) UNDER COVER OF AD HOC ALLIED AUTHORITY.

6. AFTER FURTHER EXCHANGES ON ABOVE POINTS, AGREEMENT WAS REACHED THAT FRG VIEWS WOULD BE OBTAINED IN FULL BONN GROUP MEETING WHERE DISCUSSION WOULD BE LIMITED TO THEORY AND DOCTRINE OF GENERAL BK/L WITH NO DISCUSSION OF POSSIBLE TEXT. NEXT STEP WOULD BE REFERRAL TO ALLIED MISSIONS BERLIN FOR DRAFTING AND NEGOTIATING OF TEXT.

7. ON QUESTION OF SENAT/GDR WATER CONSERVATION TALKS, FRENCH REP RESPONDED TO US QUESTION BY SAYING THAT FRENCH MISSION BERLIN HAS NO INSTRUCTIONS TO GIVE GO-AHEAD TO SENAT, BUT THAT QUESTION OF WATER RESCUE TALKS MUST FIRST BE RESOLVED. MEANWHILE, FRG BILATERALLY INFORMED EMBASSY THAT BONN HAD "IN MEANTIME" REACHED

UNANIMITY OF VIEWS WITH SENAT. FRG REP SAID ITEMS TO BE
DISCUSSED (AS LISTED IN DRAFT REPLY TO GDR--REFTEL B--
WERE OF SUCH LOCAL NATURE THAT BONN COULD SEE NO WAY THEY
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COULD BE INCLUDED IN FRG/GDR ENVIRONMENT TALKS, THOUGH
GUIDING PRINCIPLE FOR FRG IN FUTURE CASES WOULD REMAIN
THAT, WHERE POSSIBLE, SENAT/GDR MATTERS WOULD BE SUB-
SUMED IN FRG/GDR TALKS. FRG BELIEVES STRONGLY THAT
SENAT REPLY SHOULD REFER TO "COMMUNICATIONS" PROVISION
OF QA TO MAKE CLEAR THAT SENAT WOULD BE NEGOTIATING
UNDER COVER ALLIED AUTHORITY.

8. COMMENT: FRENCH ARE TRYING TO COME UP WITH IDEAS
ON QUESTION OF QA REFERENCE IN BK/L WHICH WOULD MEET
BOTH US AND UK CONCERNS. SO FAR, HOWEVER, THEY HAVE
SUGGESTED ONLY A STATEMENT IN BK/L THAT QA REFERENCE
IN SENAT/GDR AGREEMENTS IS "PREFERABLE." WE BELIEVE
THIS COULD LEAVE ALLIES WORSE OFF THAN BEFORE SINCE IT
WOULD GIVE GDR OPPORTUNITY, BY INSISTING ON NO REFER-
ENCE, SPECIFICALLY TO REJECT SUCH COVER.
HILLENBRAND

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